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20
21 **UNITED STATES BANKRUPTCY COURT**
22 **FOR THE DISTRICT OF ARIZONA**
23

24 In re:
25 POTENTIAL DYNAMIX LLC,
26
27 Debtor.

Case No. 2:11-bk-28944-DPC
Chapter 11
Adv. No. 2:13-ap-00799

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Plaintiff,

vs.

AMAZON SERVICES LLC,
Defendant.

**NOTICE OF LODGING OF
[PROPOSED] ORDER
DENYING THE TRUSTEE'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 **NOTICE IS HEREBY GIVEN** that the undersigned counsel has lodged the
2 Proposed Order Denying the Trustee's Motion for Partial Summary Judgment on February
3 12, 2021, a copy of which is attached as Exhibit A.

4
5 Dated: February 12, 2021

PERKINS COIE LLP

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24 *Attorneys for Amazon Services LLC*
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1 **CERTIFICATE OF SERVICE**

2 On this date I caused to be served on each of the attorneys identified below, via the
3 delivery methods indicated below, a copy of the foregoing document, as follows:

4
5 Dale C. Schian **X** Via the Clerk's eFiling Application
6 Mark C. Dangerfield ___ Via U.S. Mail, 1st Class
7 Kenneth N. Ralston ___ Via Overnight Delivery
8 **GALLAGHER & KENNEDY, P.A.** ___ Via Facsimile
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Dated: February 12, 2021

s/ Mallory Gitt Webster

Exhibit A

Exhibit A

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:
POTENTIAL DYNAMIX LLC,
Debtor.

TIMOTHY H. SHAFFER, Chapter 11
Trustee,
Plaintiff,
vs.
AMAZON SERVICES LLC,
Defendant.

Case No. 2:11-bk-28944-DPC
Chapter 11
Adv. No. 2:13-ap-00799

**[PROPOSED] ORDER
DENYING THE TRUSTEE'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

19 The Court, having considered Plaintiff Timothy H. Shaffer's (the "Trustee") Motion
20 for Partial Summary Judgment, ECF No. 266 (Nov. 20, 2020); Defendant Amazon Services
21 LLC's opposition to the Motion for Partial Summary Judgment, ECF No. 306 (Dec. 23,
22 2020); the Trustee's reply in support of the Motion for Partial Summary Judgment, ECF
23 No. 321 (Jan. 13, 2021); and the argument of both parties during a hearing on February 11,
24 2021,

25 **HEREBY ORDERS:**

26 The Trustee's Motion for Partial Summary Judgment, ECF No. 266, is DENIED,
27 although the Court acknowledges that at trial it will entertain admissible evidence regarding
28 the issue of "Shrinkage" raised in the Trustee's Motion.

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DATED AND SIGNED ABOVE

1 Approved as to form and content:

2 **PERKINS COIE LLP**

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